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NOTE BY THE SECRETARY-GENERAL CONCERNING THE DATE OF AN ELECTION TO FILL A VACANCY IN THE INTERNATIONAL COURT OF JUSTICE

1. By a letter dated 19 November 1999 Judge Stephen Schwebel, the President of the International Court of Justice, pursuant to article 13, paragraph 4, of the Statute of the Court informed the Secretary-General of his resignation as a member of the Court effective 29 February 2000. Thus, a vacancy will occur on 29 February 2000.

2. Judge Schwebel was elected as a member of the Court from 15 January 1981 and was re-elected as from 6 February 1988 and from 6 February 1997. His current term of office would have expired on 5 February 2006. He was Vice-President of the Court from 1994 to 1997 and has been President of the Court since 6 February 1997. He was a member of two Chambers in the cases concerning Delimitation of the Maritime Boundary in the Gulf of Maine Area (Canada/United States of America), 1981-1984, and Elettronica Sicula S.p.A., 1987-1989.

3. Article 14 of the Statute provides:

> "Vacancies shall be filled by the same method as that laid down for the first election, subject to the following provision: the Secretary-General shall, within one month of the occurrence of the vacancy, proceed to issue the invitations provided for in Article 5, and the date of the election shall be fixed by the Security Council."

Article 5, paragraph 1, of the Statute provides:

> "At least three months before the date of the election, the Secretary-General of the United Nations shall address a written request to the members of the Permanent Court of Arbitration belonging to the States which are parties to the present Statute, and to the members of the national groups appointed under Article 4, paragraph 2, inviting them to undertake, within a given time, by national groups, the nomination of persons in a position to accept the duties of a member of the Court."

4. In view of the fact that the date of the election is to be fixed by the Security Council, it is suggested that the Council might wish to consider this question at an early meeting and to take into account that the Secretary-General's communication must be dispatched within one month of the occurrence of the vacancy and at least three months before the date of the election. The Secretary-General expects to invite nominations for the vacancy by communications immediately after the Security Council has set the date of election.